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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,691	01/30/2001	Nobuo Yatsu	1614.1121	8151

21171 7590 06/04/2004
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EXAMINER

BALI, VIKKRAM

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,691

Applicant(s)

YATSU ET AL.

Examiner

Vikkram Bali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

In response to the amendment filed 4/1/2004, all the amendment have been entered and the action follows:

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A computer" as claimed in claim 18 and 19 is non-statutory subject matter.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "identification data input" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srey et al (SU 6141436) in view of Bongiorno et al (US 6292045).

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With respect to claim 1, Srey discloses a data converter (see figure 3 a cellular phone), with a data conversion unit (the function of the cellular phone i.e. cell phone letting you to make a call or not col. 3, lines 5-20) and a lock system which locks the conversion function of the conversion unit in a disable state (see col. 3, lines 5-20, the disable function is done) as claimed. However, he fails to disclose a timer unit for counting the time one which the disable is based on, as claimed. Bongiorno teaches that cellular phones contains the microprocessors and that the microprocessors does includes clocks "timer unit" that while in operation does disable the operation once the time out happens, see col. 1, lines 10-18 and col. 1, lines 30-39, as claimed. Therefore, it would have been obvious to one ordinary skilled in art at the time of invention can combine the two references as the cellular phone does has the clock that has the feature of able or disable, and having the function of able and disable is suggested in the Srey disclosure (see col. 3, lines 17-19).

With respect to claim 2, Srey further discloses, lock release system which release the lock, (see col. 3, lines 29-36) as claimed.

With respect to claim 3, Srey further discloses, a data input, a recording unit and control unit, (see col. 3, lines 48-56) as claimed.

With respect to claim 4, Srey further discloses, data input unit formed of entry keys, (see col. 3, lines 2-8, cellular phone has key pads) as claimed.

With respect to claims 5 and 6, Srey further discloses, input unit is a plane coordinate input unit; data input unit is an input unit, a plane coordinate input unit, a display, (see col. 4, lines 24-31) as claimed.

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With respect to claim 7, Srey further discloses, data input unit is a fingerprint input unit, (see col. 3, lines 48-56) as claimed.

With respect to claims 8 and 9, it is well known to use either capacitive fingerprint sensor "measure static electricity" of the optical sensor "optically acquires" for obtaining the fingerprint. Therefore, it would have been obvious to one ordinary skilled in art at the time of invention to simply use the well known features of either capacitive or optical sensor to obtain the fingerprints as this is conventionally use.

With respect to claims 10 and 11, Srey further discloses, a recording unit, a control unit and the computer includes an input unit, (see col. 3, lines 48-56, and the computer is the processor connected to figure 7, numerical 203) as claimed.

With respect to claim 12 and 13, Bongiorno teaches the time settings, (see col. 1, lines 33-35, the pre set time) as claimed.

With respect to claims 14 and 15, it is well known to have an icon on the cellular phones to show if the phone is locked "disable" or not lock "enable". Therefore, it would have been obvious to one ordinary skilled in art at the time of invention to simply use the well-known features of display icon to make the apparatus user friendly.

Claims 18 and 19, as best understood, are rejected for the same reasons as set forth in rejection of claims 1 and 11, because the claims 18 and 129 are claiming the software for claims 1 and 11.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vikkram Bali
Primary Examiner
Art Unit 2623



vb
May 24, 2004